

## **IC 20-5-1.5**

### **Chapter 1.5. School Corporation Home Rule**

## **IC 20-5-1.5-1**

### **State policy**

Sec. 1. Notwithstanding any other law and subject to section 7 of this chapter, the policy of the state is to grant school corporations all the powers that they need for the effective operation of each school corporation.

*As added by P.L.198-1989, SEC.1.*

## **IC 20-5-1.5-2**

### **School corporation powers; resolution of doubted existence**

Sec. 2. (a) The rule of law that any doubt as to the existence of a power of a school corporation shall be resolved against its existence is abrogated.

(b) Any doubt as to the existence of a power of a school corporation shall be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.

*As added by P.L.198-1989, SEC.1.*

## **IC 20-5-1.5-3**

### **School corporation powers; extent**

Sec. 3. (a) The rule of law that a school corporation has only:

- (1) powers expressly granted by statute;
- (2) powers necessarily or fairly implied in or incident to powers expressly granted through rules adopted by the state board of education under IC 4-22-2 or otherwise; and
- (3) powers indispensable to the declared purposes of the school corporation;

is abrogated.

(b) A school corporation has:

- (1) all powers granted it by statute or through rules adopted by the state board of education; and
- (2) all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute or rule.

(c) The powers that school corporations have under subsection (b)(1) are listed in various statutes. However, these statutes do not list the powers that school corporations have under subsection (b)(2). Therefore, the omission of a power from such a list does not imply that school corporations lack that power.

*As added by P.L.198-1989, SEC.1.*

## **IC 20-5-1.5-4**

### **School corporation powers; exercise**

Sec. 4. A school corporation may exercise any power it has to the extent that the power:

- (1) is not expressly denied by the Constitution of the State of Indiana, by statute, or by rule of the state board of education; and

(2) is not expressly granted to another entity.  
*As added by P.L.198-1989, SEC.1.*

#### **IC 20-5-1.5-5**

##### **Constitutional or statutory exercise of power; written policy**

Sec. 5. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation wanting to exercise the power must do so in that manner as a minimum requirement.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation wanting to exercise the power must either:

- (1) adopt a written policy prescribing a specific manner for exercising the power; or
- (2) comply with a statutory provision permitting a specific manner for exercising the power.

(c) A written policy under subsection (b)(1) must be adopted by the governing body of the school corporation.

*As added by P.L.198-1989, SEC.1.*

#### **IC 20-5-1.5-6**

##### **Review or regulation of school corporation powers**

Sec. 6. State and other agencies may review or regulate the exercise of powers by a school corporation only to the extent prescribed by statute.

*As added by P.L.198-1989, SEC.1.*

#### **IC 20-5-1.5-7**

##### **Unavailable powers**

Sec. 7. A school corporation does not have any of the following powers:

- (1) Those powers expressly prohibited of a unit under IC 36-1-3-8.
- (2) The power for eminent domain, unless specifically authorized by statute.
- (3) The power to prescribe a civil penalty or a fine.
- (4) The power to adopt ordinances.
- (5) The power to require the attendance of witnesses and the production of documents relative to matters being considered, unless specifically authorized by statute.
- (6) The power to exercise powers outside of the boundaries of the school corporation, unless authorized by statute through joint agreements or otherwise.

*As added by P.L.198-1989, SEC.1.*